

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CASE NO. 05 - CR -300006 (MAP) |
| |) | |
| ELLIOTT BEALS |) | |

CONSENT MOTION TO MODIFY CONDITIONS OF PROBATION

Now Comes Defendant to move the Court to modify the conditions of his probation as follows:

1. On January 29, 2007, the Court imposed sentence in this matter. As part of the sentence, the Court imposed as a Special Condition Of Probation that Defendant shall "possess no firearms".

2. Defendant is an avid hunter and seeks to modify this Special Condition Of Probation to permit him to hunt.

3. Defendant notes that the federal crimes which he stands convicted of are misdemeanors and that he does not otherwise have any felony convictions and therefore is not precluded from possessing firearms as a felon by federal law.

4. Defendant also asks this Court to note that as reflected in his Pre-Sentence Report, Defendant has no history of violence.

5. Defendant's counsel has conferenced this issue with both Paul Smyth of the U.S. Attorney's Office and Walter Bush of U.S. Probation and both have agreed to the modification of the Special Condition to Permit Defendant to hunt.

6. Defendant understands that he will not be permitted to have any firearms in his home.

WHEREFORE, Defendant requests that the Court modify his Special Conditions Of Probation to permit him to possess firearms outside of his home and solely for the purpose of hunting.

Respectfully submitted,

Elliott Beals, Jr.
By his attorney,

DATED: February 2, 2007

/s/ John P. Pucci
John P. Pucci, BBO# 407560
FIERST, PUCCI & KINDER LLP
64 Gothic Street, Suite 4
Northampton MA 01060
Tel: 413-584-8067
Fax: 413-585-0787

CERTIFICATE OF SERVICE

I, John P. Pucci, Esq. do hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ John P. Pucci
John P. Pucci